

**SPECIAL MEETING  
BOARD OF MAYOR AND ALDERMEN  
(ROAD HEARING)**

**November 18, 2002**

**5:30 PM**

Mayor Baines called the meeting to order.

Mayor Baines called for the Pledge of Allegiance, this function being led by Alderman Guinta.

A moment of silent prayer was observed.

The Clerk called the roll.

Present: Aldermen Guinta, Sysyn, Osborne, Pinard, O’Neil, Lopez, Shea, DeVries, Garrity, Smith, Thibault, and Forest

Absent: Aldermen Wihby and Gatsas

Mayor Baines advised that the purpose of the road hearing was to hear those wishing to speak in favor of or in opposition to proposed street discontinuance petitions; that each petition shall be addressed individually at which time the Deputy Public Works Director shall be requested to make a presentation following which those wishing to speak in favor will be heard, followed by those wishing to speak in opposition; that anyone wishing to speak must first step to the nearest microphone when recognized and recite his/her name and address in a clear, loud voice for the record; that each person will be given only one opportunity to speak and any questions must be directed to the Chair.

A. Petition to discontinue a portion of Bryant Road.

Clerk Bernier stated Kevin Sheppard or Frank Thomas should have been here. Maybe we can begin with any wishing to speak in favor of or against the petition.

Mayor Baines called for those wishing to speak in favor.

There were none.

Mayor Baines called for those wishing to speak in opposition.

There were none.

B. Petition to discontinue a portion of Clough Avenue.

Mayor Baines called for those wishing to speak in favor.

Jean Landry, 575 Stark Lane, Manchester NH stated:

I own properties on Clough Avenue, which are condominium units. It is a five-unit condominium. I am not sure if the Board has the map of the discontinuance.

Mayor Baines stated if I could just interrupt you, Sir, I could have Mr. Sheppard make the presentation. He is here now. We will have him address Clough Avenue and then we will go back to Bryant Road.

Mr. Sheppard stated I apologize for being late. As you can see in your packet, Clough Avenue was laid out on November 11, 1904 450 feet in from Spruce Street. I believe the request was for a discontinuance of 75 feet +/- . Our recommendation is if it is to be discontinued, we discontinue the last 70 feet, which is roughly 5 feet off the edge of the pavement at the end. Other than that, we don't have any objections to the discontinuance of that right-of-way.

Mr. Landry stated I have pictures. I took some pictures from yesterday to pass around. I also have a clearer map to hand out. I am a master electrician and I see a lot of different projects around the State. This past summer I worked on a project down in Merrimack called Apple Tree Village. It was a very nice condo, more upscale units on McQuesten Road right near town hall. If anybody wanted to see what I plan on doing or would like to do...this is only the first step just getting some land, would be to build garages so that the condo unit would have some storage space. The major flaw with these condos is that they are built on slab and there is new sewage whatsoever. What happens is people tend to come in, stay for about a year and then say it is too small and they move out. There is no storage space and their kid's rooms are packed to the hilt and people come and go. The neighbors have even complained that it is more of a transient type thing where people come and go. I beg to differ from that view. The people that I am trying to rent to are upscale people who have enough money to pay their rents and I am trying continue to upgrade the property. This whole idea of having a garage for each unit...only four units because the fifth unit is the original house, which has a full basement with adequate storage. The idea came from Apple Tree Village and it really looked nice. I put lighting on both sides of the garage and each person had their own stall and it worked out very well. Peter Flood is a friend of mine. I don't know if you remember but he ran for Congress and he is going to be helping with the wording so that each condo unit would have legal rights to a garage. At this time, it is really not about the garage at all. It is basically just setting up the parameters and having some land to possibly do this. There are building codes that have to be followed. There are setback rules, from what I understand, 25' from all sides. Maybe nothing will ever be done but the potential is there and also I feel that it would increase the tax base of the City. That

land right now is basically used as a brush pile. It is basically a mess. You drive down to the end of the road and it just looks like a total mess. People are using it to dump things there. I wouldn't be surprised if tires are in there. The first order of business would be to clean it up. In the package that you have for that it also was approved by the Community Improvement Committee and the Highway Department. They both gave their approval for this saying that this land is of no use to the City. So the first benefit would be to clean the area up, increase the common area...here is another thing. I wired these condos for the contractor who built these and he built them all over the City. One of the things that came up right after these condos, there was Hilltop Terrace which I don't know if you are familiar with but it is over by Manchester Gardens and they said that there is not enough open land for these condos. There is always a problem with that. They said after this I am sure there is an ordinance now that there is a certain amount of open land. Well this was done before that so this would help satisfy that new ruling, which if you have condos you have a certain amount of open land, which this is lacking. A light could be added to the last post on the street, whether the City would go along with that or not I would be willing to pay for a light. It is like a black hole down there. The end of the street...the last light is in front of 40 Clough Avenue and then in front of the other two units it is completely dark. The end of the road is black.

Mayor Baines stated we are going there tonight.

Mr. Landry replied well you will see it is a black hole. It is very dark down there and I would like to have a light put in at the end of the road and if the garage thing ever happened, which is 50/50 or less, it would be a place to turn around because it would be paved. There is no cul-de-sac on the end of that street, which is again new rules where you have to have a place to turn around. This would help that. Also, there has been a burglary. I have one of my tenants who lives in the last corner unit and has been there for three years now...his vehicle has been broken into twice. The garages would be security and they could be locked up. It would look much nicer because everything would be consolidated and put into a nice...not a commercial garage. This would be a residential type garage. The garage really isn't the issue now anyway. It is just basically the land that I am talking about and trying to get this approved. I think that it would be a significant improvement to the area.

Don LeBlanc, 20 Clough Avenue, Manchester, NH stated:

I have been living at 20 Clough Avenue for approximately three years. I am the tenant that Jean was talking about. Back in May of 2000 I brought a brand-new Mazda Miata and 16 days after I had it somebody tore into the roof and stole my laptop and some CD's. The roof and the damage to the car was approximately \$1,300. After I had that repaired, approximately 30 days later it happened again. This time I had actually taken precautions to put a light up because it was so dark at the end of the street. I had Jean put a light on the house because it was so prone to vandalism because it was so dark at the end of the street. As Jean said, I believe it would improve the neighborhood by cleaning up that wooded area.

Like I said I have been there three years. I feel it would improve the area by cleaning it up and having the garages there eventually would be a lot better for security. Because the Mazda is a convertible it is very susceptible to vandalism. That would definitely be an advantage to have that there. Another thing that Jean had mentioned...I do live by myself. The condo that I live in I feel is relatively restrictive. I actually have one of my bedrooms as a storage room so having the garage would add a storage area to the condo, which would make it a lot better for me. It is kind of cramped right now. In effect, I feel that all of these benefits would be good for the City and for the area and to reduce any vandalism in the area because I know the house across the street from where I am had also been vandalized prior to when mine was. I think it may have been a couple of years but apparently there have been other incidents in that area. By cleaning that up and putting another street light up it would make the area a lot more visible and less likely for vandalism.

Mayor Baines called for those wishing to speak in opposition.

Sidney Thompson, 434 Cypress Street, Manchester, NH stated:

I am an abutter to the property or the road that they want to discontinue. The end of the road abuts my property and closing the road would banish any idea that I may have to subdivide my property. Mr. Landry did notify you that there is a large amount of brush piled up at the end of Clough Avenue. That large amount of brush was put there by the Clough Avenue condominium residents. They cut all of the trees down by the side of it and threw all of the rubbish right in there. I think this is a good time to tell them to clean it up. I don't know how dark it is down there. I have never been down there myself. To end that road would cause great consequences to me and my neighbor at 444 Cypress Street who also has 100' frontage on Clough Avenue. That would stop him from using part of his land also. I totally object to any closing of the street.

Joseph Krolokowski, Manchester, NH stated:

I am the nephew of Mr. and Mrs. John Corrora who reside at 444 Cypress Street and I am here on their behalf. They are adamantly opposed for the reasons similarly given by Mr. Thompson. Basically Mr. & Mrs. Corrora own three original lots, one of which borders on this discontinued portion of land or the portion that is petitioned to be discontinued. Basically if this petition were to be granted they couldn't use that lot, which is now potentially a buildable lot and not only that but if this were to be granted they wouldn't have an ingress or egress to that land in the back of their home anymore. If the Board perhaps knows this, a number of years ago part of Auburn Street was discontinued along the Southern border of my uncles property so there is no further chance for ingress or egress from that portion. We now are faced with a petition that is brought forth to curtail ingress and egress from the Western portion, which is part of Clough Avenue. That means literally they could not enter or exit their own land. Obviously this is a great diminution of value to them if such a petition were ever granted. In addition, well we were given a sketch of a plan and this didn't really contain too many details, however, I would question some of the

qualifications of this plan to pass the zoning ordinance here in Manchester, specifically the number of garages in the square footage that are proposed to be used out of this land. I believe there is a limit of 600 square feet for auxiliary structures and I can't tell you how many exact square feet would be involved here but we are talking four or five garages, which I would expect would exceed this square footage requirement. The other problem we have is that these garage would, in fact, in a residential neighborhood come across as a commercial storage facility and that alone would impact the value of residential homes here in the area and I am sure would be detrimental. I see no public good or purpose in the discontinuance of this road. Basically this would benefit one citizen of Manchester to the detriment of a number of citizens in that area. For that reason, we are asking that the Board deny the petition.

Scott Wheeler, 452 Cypress Street, Manchester, NH stated:

Our backyard does come right down to Clough Avenue right at the end. Two things I would like to comment on. Mr. Thompson is correct that the brush pile did originate from the tenants of the condo association. Secondly, there are three sheds on the property now, which they currently store motorcycles, lawnmowers, etc. in and of the five condos I believe that only three of units have single occupants. These structures are not the common slab on grade, which he was referring to. These units do have basements to them. They do have basements and they do get flooded and that is how we know that. As far as the break-ins, since the lighting has gone up on the house down in the back there have been no more break-ins to my knowledge. Don did comment that we did get broken into about four years ago but that happened from the Cypress Street end, not from Clough Avenue.

Bill Macki, 41 Clough Avenue, Manchester, NH stated:

My wife and I reside directly across from the condos. We were involved originally when these condos were built and we fought vehemently to not have them built at all. There were a lot of restrictions put on. Originally they wanted to put up a regular apartment building there. I have a petition here from other people who live on Clough Avenue. Any changes to Clough Avenue...these condos now, there are only two owners there. Mr. Landry owns four of them and he rents them out. We didn't have any problems on that street when there were regular people who owned the condos but when people started selling he started buying them up and now we have a bunch of transient people in there. We have had problems with...we had a crack house there and it was one of his tenants. It was a house that he finally ended up buying but it was right across the street from us. We see no reason to change the original footprint of the property. There are lights there. People use my driveway to turn around all the time. I went around to the other people who live on the street and we are against any changes being done to the street. Thank you.

Alderman Osborne asked can I say a few things. I think the abutters pretty well answered it, it does landlock a couple of these properties on the East Side of Clough Avenue. They decided on Lot 12 here if they decided they wanted to sell it someday or subdivide it, they

would be unable to do so because of the discontinuance of that particular property where it is a 40' street and each abutter would be getting 20' of that street. It does landlock and as we see this evening...can I make a motion.

Mayor Baines replied we have to go and view the site. The procedure is after we review the site...

Alderman Osborne interjected I talked to the City Solicitor and he said that I could make a motion.

Mayor Baines asked before we see the site.

Alderman Osborne answered yes.

Mayor Baines stated I won't accept a motion until we have seen the site. I don't think that would be correct because we haven't even seen it.

Alderman Osborne stated on the agenda it asks what is your pleasure.

Mayor Baines replied at every road hearing we have examined the evidence and then we come back and...

Clerk Bernier interjected my experience is that we usually view the site and then address the issue.

Alderman Osborne replied okay.

Mr. Muller stated my office's position on this is if the Board had decided that it was not going to change the status, i.e. discontinue or release, it would not need to take a view. It is not necessary but obviously the Board can do so if it so desired.

Mayor Baines stated I am going to rule that we should visit the site. Some people have presented a petition and I think we have a responsibility to go and visit the site and make a decision based upon that.

Mayor Baines asked Mr. Sheppard to make a presentation on Bryant Road.

A. Petition to discontinue a portion of Bryant Road.

Mr. Sheppard stated we took a look at this petition. I believe the requesters own both sides of that property. The road has never been built. I believe it may be subject to an easement by utility. If it is recommended to be discontinued we would then ask that the easement for that utility be part of that discontinuance. We don't see any utilities out there and I believe the reasoning for the discontinuance is the developer of the property is looking to extend Bryant Road down through and there would be a new right-of-way along the new footprint of the roadway. Therefore, we don't see any imminent problems with the discontinuance.

Alderman Forest asked is that down by the picnic grounds or past it.

Mr. Sheppard replied it is just south of Crystal Lake off of Corning Road.

Alderman Forest asked are you familiar with the old Six Acres. Is that past it?

Alderman DeVries replied it is past that.

Mayor Baines advised that a motion is in order to recess the hearing and proceed to view the areas of petitions presented.

Mayor Baines called the meeting back to order at the site of the first petition.

A. Petition to discontinue a portion of Bryant Road.

Members of the Board viewed the area petitioned. On motion of Alderman DeVries, duly seconded by Alderman O'Neil, it was voted to discontinue a portion of Bryant Road as petitioned reserving any and all utility easements subject to review and approval of the Public Works Director.

Mayor Baines called a brief recess.

Mayor Baines called the meeting back to order at the site of the second petition.

B. Petition to discontinue a portion of Clough Avenue.

Members of the Board viewed the area petitioned. On motion of Alderman Osborne, duly seconded by Alderman Pinard, it was voted to deny the petition to discontinue a portion of Clough Avenue.

This being a special meeting of the Board, no further business was presented and on motion of Alderman O'Neil, duly seconded by Alderman DeVries, it was voted to adjourn.

A True Record. Attest.

City Clerk